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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,133	02/24/2004	Christopher M. Gallant	05918-324001 / VGCP No. 7	1633

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EXAMINER	
RODRIGUEZ, RUTH C	
ART UNIT	**PAPER NUMBER**
3677	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/785,133	GALLANT ET AL.	
	Examiner	Art Unit	
	Ruth C. Rodriguez	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31 and 38-40* is/are pending in the application.

4a) Of the above claim(s) *32-37* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15,25 and 29-31* is/are rejected.

7)☒ Claim(s) *16-24,26,28 and 38-40* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 32-37 are canceled from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Inventoion, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 22 December 2005.

2. Applicant's election without traverse of Invention I in the reply filed on 22 December 2005 is acknowledged.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1-6, 8, 13, 25, 27, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko (US 5,212,853).

A self-engageable fastener component (1) comprises a sheet-form base (10a,10b) and an array of wedge-shaped, engageable elements (3) extending integrally from at least one side of the sheet-form base. Each of the engageable elements has an engageable side (3b) and a non-engageable side (4) conterminous at an upper edge of

the element. The upper edge of each engageable element defines a curve in top view and the engageable sides of a majority of the elements are oriented in a common direction (Figs. 21-24).

The engageable elements are arranged in at least one row along the sheet-form base (Fig. 24). The row extends toward the single edge (Fig. 24).

The elements are arranged in an array of multiple rows and columns (Figs. 11, 12, 15, 16, 26 and 30).

The elements are arranged in multiple rows, with elements of adjacent rows offset from one another along their respective rows (Figs. 11, 12, 15, 16, 26 and 30).

The elements of adjacent rows are offset by about one-half a nominal spacing between adjacent elements within a row (Figs. 11, 12, 15, 16, 26 and 30).

The curve defined by the upper edge in top view is substantially circular with a constant radius of curvature (Fig. 24).

The curve defined by the upper edge in top view is of a group consisting of parabolic curves, elliptical curves, hyperbolic curves and mixtures thereof (Fig. 24).

The engageable sides of the wedge-shaped elements overhang the sheet-form base (Figs. 23 and 24).

The sheet-form base forms and elongated strip (Figs. 1-30).

The component defines an aperture adjacent one end of the strap. The aperture is sized to receive an opposite end of the strap therethrough (Figs. 1-4, 6-9, 18, 19, 21-23, 28 and 29).

The sheet-form base is flexible (Figs. 1-29).

In combination, two fastener components (10a,10b) arranged with the engageable sides of the their wedge-shaped elements overlapping one another to resist motion between the fastener components (Fig. 24).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 7, 9-12, 14, 15 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko.

Kaneko discloses a self-engageable fastener component having all the features mentioned above for the rejection of claim 1. Kaneko fails to disclose any specific dimensions of the fastener component and therefore fails to disclose that the engageable side of each fastener element extends downwardly from the upper edge towards the sheet-form base at an undercut angle, measured in a midplane bisecting the fastener element and perpendicular to the sheet-form base, of between about 10 and 45 degree, the constant radius of curvature is from about 0.25 to 2.5 centimeters, a maximum elevation of the upper edge above the top surface of the sheet-form base is between about 0.025 and 6.3 millimeters, each engageable element has a width, measured along the sheet-form base perpendicular to the single edge, of between about 0.13 and 6.3

millimeters and each engageable element has a length, measured along the sheet-form base parallel to the single edge, of between about 0.13 and 2.54 centimeters. However, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have the engageable side of each fastener element extends downwardly from the upper edge towards the sheet-form base at an undercut angle, measured in a midplane bisecting the fastener element and perpendicular to the sheet-form base, of between about 10 and 45 degree, the constant radius of curvature is from about 0.25 to 2.5 centimeters, a maximum elevation of the upper edge above the top surface of the sheet-form base is between about 0.025 and 6.3 millimeters, each engageable element has a width, measured along the sheet-form base perpendicular to the single edge, of between about 0.13 and 6.3 millimeters and each engageable element has a length, measured along the sheet-form base parallel to the single edge, of between about 0.13 and 2.54 centimeters since such a modification would have involved a mere changes in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPA 237 (CCPA 1955). Especially since the Applicant fails to provide any criticality for the size of the fastener component and it is commonly known to have these dimensions for fastener components.

Kaneko fails to disclose that the engageable elements extending outwardly from two opposite sides of the sheet-form base. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the engageable elements extending outwardly from two opposite sides of the sheet-form base since the use of engageable elements extending from two opposite sides of the sheet-form base is

well known in the fastener component art when providing self-engaging fastener components.

Kaneko fails to disclose that the sheet-form base is secured to and overlays a layer of resilient material. However, it would have been obvious to one having ordinary skill in the art at the time of Applciatn's invention to have the sheet-form base is secured to and overlays a layer of resilient material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice. In re Leshin, 125 USPQ 416. Especially since the use of layer fastener components using a layer of resilient material is well known in the fastener art.

Kaneko discloses that the sheet-form base is flexible (Figs. 28 and 29).

Allowable Subject Matter

7. Claims 16-24, 26, 28 and 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 22 December 2005 have been fully considered but they are not persuasive.

9. The Applicant argues that Kaneko fails to disclose an array of wedge-shaped engageable elements. The Examiner fails to be persuaded by this argument. The Examiner has modified the prior office Action to more clearly establish that the element 3b of the fastener elements is being considered as the wedge-shaped engageable elements since the claim only recites that the engageable elements extend from at least one side of the sheet-form base. And that the wedge-shaped elements are being used to engage the wedge-shaped elements of the complementary fastener component.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mintel et al. (US 4,794,674), Clark (US 4,941,238), Allan (US 5,179,767 and US 5,640,744), Kaneko (US 5,212,853), Duffy (US 5,983,467), Martin et al. (US 6,625,851 B1) and Akeno et al. (US 6,487,759 B1) are cited to show state of the art with respect to fasteners having some of the features being claimed by the current application.

Merser (US 3,462,802) and Meeks (US 4,537,432) are cited to show state of the art with respect to straps having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
March 6, 2006

ROBERT J. SANDY
PRIMARY EXAMINER